

COMMISSION ON JUDICIAL PERFORMANCE
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FOR RELEASE
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JUDICIAL PERFORMANCE COMMISSION ISSUES PUBLIC CENSURE
OF FORMER JUDGE MARC A. GARCIA
AND BARS HIM FROM RECEIVING ASSIGNMENTS

The Commission on Judicial Performance has issued a decision and order imposing public censure on former Merced County Superior Court Judge Marc A. Garcia and barring him from receiving assignments, appointments, or references of work from any California state court. Former judge Garcia and the examiner for the commission stipulated to the imposition of public censure and bar, the maximum discipline that may be imposed on a former judge. Pursuant to the stipulation, former judge Garcia submitted his irrevocable resignation from his position as judge effective May 15, 2015.

After taking the bench in 2007, Judge Garcia received \$250,000 in payments from 2008 to 2012 from his former partner in the entity Merced Defense Associates (MDA), which has held the Merced County alternate indigent defense contract since 2003. The payments were made from funds received under the MDA contract, pursuant to an agreement between then-attorney Garcia and his then-partner. The county was not at any point made aware, by Judge Garcia or otherwise, of either the terms of the agreement or that the judge was receiving ongoing payments from funds received under the MDA contract, including in 2009 when it agreed to renew the indigent defense contract. Judge Garcia failed to report the payments on his Statements of Economic Interests (he filed amended Statements in 2014), and failed to disqualify or disclose when his former partner or MDA attorneys appeared before him between 2009 and 2012.

The commission found that these actions violated several canons of the Code of Judicial Ethics, including canons requiring judges to uphold the integrity of the judiciary, avoid impropriety and the appearance of impropriety in all the judge's activities, and disclose and disqualify when required by law. The commission stated, "The failure to disclose on state financial disclosure forms, filed under penalty of perjury, \$250,000 received from the dissolution of a joint venture in a county contract for indigent defense, and failure to disclose or disqualify when attorneys who had an interest in the contract appeared before the judge seriously undermine public confidence in the integrity and impartiality of the judiciary."

The commission's Decision and Order of Public Censure and Bar is available on the commission's website at <http://cjp.ca.gov> (under "Pending Cases - Press Releases & Documents" and "Public Discipline & Decisions") and at the commission's office. Judge Garcia is represented by attorney Edith R. Matthai of Los Angeles.

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The commission is composed of three judges, two lawyers and six public members. The chairperson is Honorable Erica R. Yew of the Santa Clara County Superior Court.

For further information about the Commission on Judicial Performance, see the commission's website at <http://cjp.ca.gov>.